

HERZFELD & RUBIN, P.C.  
JEFFREY L. CHASE (*pro hac vice*)  
*jchase@herzfeld-rubin.com*  
MICHAEL B. GALLUB (*pro hac vice*)  
*mgallub@herzfeld-rubin.com*  
MARK A. WEISSMAN (*pro hac vice*)  
*mweissman@herzfeld-rubin.com*  
125 Broad Street  
New York, New York 10004  
Telephone: (212) 471-8500  
Facsimile: (212) 344-3333

*Attorneys for Defendant Volkswagen Group of America, Inc*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: VOLKSWAGEN “CLEAN DIESEL”  
MARKETING, SALES PRACTICES, AND  
PRODUCTS LIABILITY LITIGATION

THIS DOCUMENT RELATES TO: ALL  
ACTIONS

Case No. 3:15-MD-02672-CRB

**NOTICE BY DEFENDANT  
VOLKSWAGEN GROUP OF  
AMERICA, INC. REGARDING THE  
FILING OF TWENTY ONE  
OPPOSITIONS TO CONDITIONAL  
TRANSFER ORDERS**

Hearing: December 22, 2015

Time: 8:00 a.m.

Courtroom: 6

The Honorable Charles R. Breyer

Defendant Volkswagen Group of America, Inc. (“VWGoA”), submits this Notice to inform the Court that 399 of the 421 cases conditionally transferred to this Court by the Judicial Panel on Multidistrict Litigation (“JPML”), December 10, 2015 Conditional Transfer Orders (“CTOs”) numbered 1 through 9, have been transferred to this Court as of December 18, 2015.

The stay on transfer of twenty-one (21) actions has been continued as a result of pending Notices of Opposition with the JPML. Annexed hereto is a schedule of the twenty-one actions to which notices of objections were filed. In accordance with the briefing schedule set by the JPML, motions to vacate the conditional transfer orders with respect to these actions are due by

1 January 4, 2015. Oppositions to the motions to vacate are due by January 22, 2015.

2 While the full basis for each party's opposition to conditional transfer will not be known  
3 unless and until an opposing party briefs its respective motion to vacate, it appears from the  
4 initial JPML filings that the parties oppose transfer of: two (2) cases on the basis that the cases  
5 assert claims against Volkswagen Credit, Inc. ("VCI"); five (5) cases on the basis of pending  
6 remand motions in the original court; and twelve (12) cases on the basis that there are claims  
7 asserted against Porsche Cars North America, Inc. and/or related Porsche entities. Two (2) of the  
8 opposing plaintiffs, *DeRochemont*, from the Middle District of Florida, No. 15-CV-2726 and  
9 *Wolfenbarger*, from the Eastern District of Tennessee, 15-CV-0326, did not provide bases for  
10 their oppositions.<sup>1</sup>

12 Dated: New York, New York  
13 December 21, 2015

14 Respectfully submitted,

15 HERZFELD & RUBIN, P.C.  
16 *Attorneys for Volkswagen Group of*  
17 *America, Inc.*

18 By: /s/ Mark A. Weissman  
19 Jeffrey L. Chase (PHV)  
20 Michael B. Gallub (PHV)  
21 Mark A. Weissman (PHV)

22 125 Broad Street  
23 New York, New York 10004  
24 t: (212) 471-8500  
25 f: (212) 344-3333  
26 jchase@herzfeld-rubin.com  
27 mgallub@herzfeld-rubin.com  
28 mweissman@herzfeld-rubin.com

<sup>1</sup> The transfer of one (1) case in CTO-3, *Heryford*, 15-cv-2254, pending in the Eastern District of California, was vacated by the JPML because the action was voluntarily dismissed.